

Remarks

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Referring to the first paragraph on page 2 of the Office Action, the specification has been amended to correct minor errors, such changes being self-explanatory.

Claim 1 has been amended to incorporate the subject matter of claims 2 and 3, as a result of which claims 2 and 3 have been cancelled. Amended claim 1 also recites the organic acids disclosed at page 4, lines 16-18 of the specification.

Claim 5 has been amended to depend from claim 1, and claims 8 and 9 have been cancelled, in view of the cancellation of claim 2.

In view of the claim amendments, Applicants respectfully submit that the rejection of claims 1-9 under the second paragraph of 35 U.S.C. §112 has been rendered moot.

The patentability of the presently claimed invention over the disclosures of the references relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

Initially, the rejection of claim 1 under 35 U.S.C. §102(a)/(b) or 35 U.S.C. §103(a) as being anticipated or suggested by any of JP 2002-105484, JP 4-261497 or Zwanenburg et al. (5,250,155), has been rendered moot in view of the amendment to claim 1, incorporating the subject matter of claims 2 and 3, neither of which is subject to this rejection.

The rejection of claims 2-9 under 3 U.S.C. §103(a) as being unpatentable over any of these same references, further in view of Coleman et al. (4,275,081) is respectfully traversed.

Initially, JP 2002-105484 is not available as prior art against the present invention, because it was published April 10, 2002, which is after the filing date of March 28, 2002 for the PCT application on which the present U.S. application is based.

Turning to a discussion of the other references, Applicants first note that the present invention provides a method for suppressing isomerization of the desired 1,3-saturated-2-unsaturated triglycerides (SUS) as much as possible upon distillation-refining

of a fat produced by interesterification. According to the present invention, the distillation is carried out under acidic conditions by addition of an organic acid to suppress the isomerization of a SUS component. The references relied upon by the Examiner, alone or in combination, do not teach or suggest the method of the present invention.

That is, JP 4-261497 is directed to the purification of oil and fat rich in diglycerides. The invention of this reference is suppression of a heterogeneous reaction of diglycerides to form mono- and tri-glycerides. This is completely different from the suppression of isomerization of the SUS component in the present invention, and this reference is therefore irrelevant to the present invention.

The Zwanenburg et al. references relates to a process for refining soap-containing crude polyol fatty-acid polyester reaction products. As seen from column 2, lines 58 to 63, the object of the invention of this reference is to achieve very low soap levels and to avoid discoloration problems. There is no teaching or suggestion of suppression of isomerization of SUS component during refining of an interesterification product in this reference.

The Coleman et al. reference relates to interesterification. In this reference, there is no teaching or suggestion of refining after interesterification, much less suppression of isomerization of the SUS component.

For these reasons, Applicants take the position that the presently claimed invention is patentable over the applied references.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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